

LAW OFFICES OF TRUDY L. MARTIN
TRUDY L. MARTIN (STATE BAR NO. 148515)
1808 Sixth Street
Berkeley, CA 94710-2620
Telephone: (510) 843-4300
Facsimile: (510) 843-4311

Attorneys for Plaintiff Kelly L. Letch

DILLINGHAM & MURPHY, LLP
WILLIAM F. MURPHY (STATE BAR NO. 82482)
MARK J. ROGERS (STATE BAR NO. 173005)
225 Bush Street, 6th Floor
San Francisco, California 94104-4207
Telephone: (415) 397-2700
Facsimile: (415) 397-3300

Attorneys for Defendants Safeway Inc.
and Robert Munz

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO DIVISION

KELLY L. LETCH,

Plaintiff,

v.

SAFEWAY STORES, INC., et al.,

Defendants.

Case No. C-05-01781 MMC

STIPULATION TO CONTINUE
DEFENDANTS' MOTION TO DISMISS;
ORDER

Trial Date: None Set

Pursuant to Local Rule 7-7 and the Court's April 20, 2005 Standing Order, Plaintiff KELLY L. LETCH and Defendants SAFEWAY INC. ("Safeway") and ROBERT MUNZ, through their counsel of record, hereby stipulate as follows:

1. Whereas on February 7, 2005 in the Superior Court of the State of California, in and for the County of Contra Costa, Plaintiff, in pro se, filed her "Complaint – Personal Injury, Property Damage, Wrongful Death" against Defendants.

2. Whereas on April 29, 2005, Defendants removed this matter to this Court pursuant to 28 U.S.C. Sections 1441(b) and 1446;

1 3. Whereas on May 2, 2005, Defendants filed a Motion to Dismiss and noticed the hearing
2 on their motion to take place on June 10, 2005;

3 4. Whereas Plaintiff only recently retained her current counsel and the parties are
4 interested in pursuing settlement discussions prior to the time that either party incurring any additional
5 fees and costs;

6 5. Whereas counsel for Defendants and Plaintiff are presently engaged in a good faith
7 effort to address substantive issues in order to identify areas of agreement;

8 IT IS HEREBY STIPULATED by and between the parties that the hearing on Defendants'
9 Motion to Dismiss be continued from its currently scheduled hearing date of July 29, 2005 at 9:00 a.m.
10 to September 2, 2005 at 9:00 a.m. Good cause exists for such an extension as Plaintiff's counsel has
11 only recently been retained and the parties would like to try to resolve the matter prior to either side
12 having to incur additional fees and costs addressed towards responding to or pursuing Defendants
13 Motion to Dismiss. This is a further continuance from the initial hearing date of June 10, 2005, and
14 necessary in order for the parties to identify and exchange pertinent information. In order to
15 effectively engage in this stage of informal discussion, the parties further request that the date for
16 initial disclosures and dates for the other events referenced in this Court's April 29, 2005 Order Setting
17 Initial Case Management Conference, including the case management conference currently set for
18 September 2, 2005, be continued approximately thirty (30) days so that the case management
19 conference take place on September 30, 2005, or a date soon thereafter following the reset hearing date
20 of September 2, 2005 as may be convenient for this Court.

21 Dated: June 29, 2005

LAW OFFICES OF TRUDY L. MARTIN

22 By: 
23

TRUDY L. MARTIN

Attorneys for Plaintiff Kelly Lerch

24 Dated: June 29, 2005

DILLINGHAM & MURPHY, LLP

25 By: 
26

MARK J. ROGERS


Attorneys for Defendants Safeway Inc. and Robert
27 Munz
28

ORDER

Pursuant to the parties' stipulation and good cause appearing therefore, Defendants' Motion to dismiss, currently scheduled to be heard on July 29, 2005 at 9:00 a.m., is continued to September 2, 2005 at 9:00 a.m. Opposition and replies briefs shall be calculated from the new hearing date. The Court's April 29, 2005 Order Scheduling Initial Case Management Conference is hereby revised as follows:

Date	Event
September 23, 2005	Last day to meet and confer re initial disclosures, early settlement, ADR process selection, and discovery plan
September 23, 2005	Last day to file Joint ADR Certification with Stipulation to ADR process of Notice of Need for ADR Phone Conference
October 7, 2005	Last day to complete initial disclosures or state objection in Rule 26(f) Report, file/serve Case Management Conference Statement, and file/serve Rule 26(f) Report
October 14, 2005	Case Management Conference in Ctrm 7, 19th Floor at 10:30 a.m.

DATED: JUN 30 2005


HONORABLE MAXINE M. CHESNEY
United States District Court Judge